

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANTHONY HUFFMAN,

Plaintiff,

v.

No. CIV-14-0217 MV/LAM

**THE CITY OF RIO RANCHO, RIO
RANCHO POLICE DEPARTMENT,
OFFICER CARLOS RAILEY, OFFICER
CHUCK WEAVER, and CORPORAL
J. LAPORTE,**

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST
AMENDED COMPLAINT [Doc. 17]**

THIS MATTER is before the Court on *Plaintiff's Motion for Leave to File First Amended Complaint* (Doc. 17), filed May 27, 2014. Plaintiff attaches his proposed First Amended Complaint at *Document 17-1*. On June 3, 2014, the presiding judge in this case designated the undersigned to hear and determine the motion pursuant to 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(a). [Doc. 18]. The motion states that Plaintiff sought concurrence in the motion from opposing counsel, and that opposing counsel stated that "he would advise the Court, independently, of his opposition or concurrence with the filing of the Amended Complaint, being allowed insufficient time for thorough review." [Doc. 17 at 1]. The Court has received no correspondence from Defendants regarding their concurrence in the motion. In addition, no response to the motion has been filed and the time for doing so has passed, which constitutes consent to grant the motion. D.N.M. LR-Civ. 7.1(b) ("The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes

consent to grant the motion.”). Having considered the motion and record of this case, the Court **FINDS** that the motion shall be **GRANTED**.

IT IS THEREFORE ORDERED that, for the reasons stated above, *Plaintiff’s Motion for Leave to File First Amended Complaint (Doc. 17)* is **GRANTED**, and Plaintiff shall file **within three (3) business days of entry of this Order** his First Amended Complaint (*Doc. 17-1*).

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE